

**PUBLIC MEETING**  
**March 20, 2001**

Chair Karolin Loendorf called the meeting to order at 9:00 a.m. Commissioners Murray and Varone were present. Others attending all or portion of the meeting included K. Paul Stahl, Sharon, Jerry Grebenc, Robert Rasmussen, Paul Spengler, Frank Rives, Sandra Guedes, Helen and Don Betcher, Dean Retz, Jim Taylor, Greg Bahny, Bill Bahny, Tom Harrison, Bridgit Holland, John Seliskar, Dick Thweatt, and Carole Byrnes.

Minutes. There were no minutes to approve.

Auditor Invoice Report. Alicia Pichette submitted 618 claims for payment in the amount of \$376,455.26 (revised). The claims and the report are available for public inspection in room 341 of the City-County Building.

United Way Grant. Dick Meeker reported that the Board of Crime Control grant in the amount of \$9,800 has been approved and this is supplemental grant to the United Way to help supplement the Community Juvenile Justice budget. Commissioner Varone moved that the Commission approve the supplemental grant and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Resolution Setting the Fees of the Sheriff for Services in Civil Cases. Dave Clouse reported that the resolution will set the fees for the Sheriff's Civil Office. These fees were last set in 1989. Commissioner Murray moved that the Commission approve the resolution to increase the civil service fees to \$40 and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

MDT Highway Safety Grant. Deputy Mike McCarthy reported that the grant will fund additional equipment for two in-car video systems. Commissioner Varone moved that the Commission approve the grant application for the Sheriff's Department and authorized the Chair to sign.

Lewis and Clark County Revised Floodplain Ordinance. (cont. from 3/13/01). Paul Spengler reported that the revision is to delete the Zone B area of the floodplain, which is the area between the 100 and 500-year floodplain. Other changes were completed by the county attorney's office, which simplified the ordinance to make it more user-friendly.

Jim Taylor, 8422 Diamond Springs Drive. Mr. Taylor discussed changes to page 4.e, define structures land uses and artificial obstructions as being within the regulated floodplain. Page 5, 3.e, the term "a survey" for hydraulic calculations should be more clearly defined. Page 7.i. references the comprehensive plan. He would prefer to see the regulations be implementing documents of the

comprehensive plan and would like to strike “comprehensive plan” and use this regulation as implementing any requirements of that plan. He urged the Commission to adopt this document.

Byron Stahly. Mr. Stahly reported that the 500-year floodplain is a .2 percent chance of flooding in any given year. There are ways to develop side channels to allow water to flow during the flood.

Helen Betcher supports the floodplain ordinance.

Robert Rasmussen, 325 Holter Street, stated the floods are natural processes, and floodplains are natural landforms that result from the natural processes. The pattern of human development has effected the natural systems. Commit resources to a study by which things can be implemented. His concern is for public health and safety. Because of mitigation, the county has been able to achieve a higher FEMA rating for premiums. Do not remove the existing mitigation mechanisms before there is something else in place.

Dick Thweatt, Plan Helena. Opposes the deletion of Zone B from the ordinance. Regulation of the 500-year floodplain is appropriate.

Tom Harrison was present on behalf of Tim Babcock. The arguments are circuitous. Adopt the ordinance with the elimination of the 500-year flood regulation.

Hearing no other comments, the Chair closed this portion of the hearing. Commissioner Murray moved that the Commission render a final decision Thursday, March 22, 2001. The motion died for the lack of a second.

Commissioner Varone moved that the Commission approve the revised regulation and establish a feasible floodplain management program. The motion died for the lack of a second.

Commissioner Loendorf moved that the Commission table the ordinance and reissue the public notice to include the 100-year floodplain. The motion died for the lack of a second.

Commissioner Varone moved that the Commission vote on whether to adopt these regulations as they stand or with some minor amendments regarding the 500-year floodplain to March 27, 2001 at 9:00 a.m. and it carried unanimously.

Commissioner Loendorf moved that the Commission advertise for revisions to the 100-year floodplain for April 10. The motion died for the lack of a second.

The Commission recessed and reconvened at 10:25 a.m.

Betcher Floodplain Variance Request. Paul Spengler reported on the violation of the floodplain ordinance. Helena and Donald Betcher moved a new trailer home onto their property to replace an older home at 915 Ross Road, which is in the floodway. It was determined that in accordance with the floodplain ordinance, new development in the floodway is prohibited and only substantial improvement in the floodway is permitted with a permit. A new trailer home is more than substantial, it is new development. Under the ordinance, a permit is prohibited. The Betchers may seek a variance from the BoCC.

Deputy County Attorney K. Paul Stahl stated that a public hearing is necessary to advertise for the variance request.

Helen Betcher, 915 Ross Road. Mrs. Betcher stated that due to health reasons, her physician asked her to move closer to town from Lincoln.

Don T. Betcher. The old trailer was in poor condition and he didn't know he needed a permit for another structure.

Commissioner Murray moved that the Commission continue the hearing to Thursday, April 12 at 9:00 a.m. and in the meantime, publish notice in the *Independent Record*. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Summary Review, Ravens Acres Minor. (cont. from 3/8/01). The applicant proposes to create two lots, each for one single-family dwelling. The proposal is generally located south of and adjacent to Raven Road. The applicant, Bill Bahny, was present and indicated his willingness to proceed. Frank Rives reported that the applicant has requested two variance from county standards: (1) that no lot shall be divided by a road; and (2) road design and road construction standards.

Variance 1. Commissioner Murray moved that the Commission approve the variance by splitting the lot into 2 separate parcels. Commissioner Varone seconded the motion and it carried unanimously.

Variance 2. Bill Bahny, 3355 Valley Drive, stated that to rebuild the road would be cost prohibited and proposed that the new landowners waive their right to protest an RSID for road maintenance or to rebuild the road. Commissioner Varone moved that the Commissioner approve the variance request and it the carried unanimously.

Commissioner Varone moved that the Commission approve the proposed subdivision. Commissioner Murray seconded the motion.

Amendments to Conditions of Approval:

Commissioner Varone that condition 8 (fire protection plan) be removed. The motion died for the lack of a second.

Commissioner Varone moved that condition 10.e. (external lighting) be removed. The motion died for the lack of a second.

Commissioner Varone moved that condition 10.j be removed as duplicate of 10.g. Commissioner Murray seconded the motion and it carried unanimously.

Commissioner Varone moved that condition 10.k (notification of the potential for ag operations in the vicinity) be removed. Commissioner Murray seconded the motion and it carried unanimously.

The motion to approve the proposed subdivision as amended carried unanimously.

Proposed Minor Subdivision, Summary Review known as the Seliskar Minor. The applicant proposes to create two lots, each for one single-family dwelling. The proposal is generally located approximately six miles south of Helena on Grizzly Gulch Drive. The applicant, John Seliskar, was present. Mr. Seliskar requested an extension the review period deadline to April 20. Commissioner Murray moved that, at the request of the applicant, the hearing date be moved to April 17 and the review period be extended to April 20. Commissioner Varone seconded the motion and it carried unanimously. Hearing no public comments, the Chair closed this portion of the hearing.

Request for a One-Year Extension of Preliminary Plat Approval for the Jim's Minor Subdivision. (Ken Diehl, Applicant). Jerry Grebenc reported that the applicant was granted preliminary plat approval on April 13, 2000. The applicant has exhibited due diligence and has been working on an easement issue. Staff recommended approval of the extension request. Commissioner Murray moved that the Commission grant applicant's extension to April 13, 2002. Commissioner Varone seconded the motion and it carried unanimously.

Request for Extension of Preliminary Plat Approval for the Blue Cloud Planned Unit Development. (cont. from 3/15/01). Jerry Grebenc reported that the applicants are requesting an additional extension past the statutory four-year period to complete their subdivision. The applicants, Andy Poole and Sandra Guedes, were present.

Deputy County Attorney, K. Paul Stahl's, legal opinion was that the county's requirements, which are more stringent than state statute, does not allow an extension past four years and would violate the legal provisions.

The Commission discussed the applicants' options.

Commissioner Varone moved that the Commission extend an additional one-year extension for the proposed subdivision. The motion died for the lack of a second.

Commissioner Murray moved that the Commission deny applicants' request an extension. Commissioner Loendorf seconded the motion. Commissioner Varone opposed the motion. The motion to deny an extension passed 2-1.

Sandra Guedes requested that the county submit to them a written letter citing the county's decision of denial based on the specific legal terms that applicants presented in their January 16, 2001 letter.

Consideration of A Resolution Of Intention To Create Rural Improvement District 2001-4 To Include The Lots In The Gilbert, Schatz And Morris Town Subdivisions. Robert Rasmussen reported that this resolution excludes the Ehlers Subdivision along Van Orsdale to the west, and excluded lot 19 because of its access from another road. The church property was added because it is considered a benefiting property. The annual assessment is \$157.42 per each geo code and ongoing annual maintenance assessment is \$47.62. Staff recommended approval. Commissioner Varone moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Consideration of A Resolution Of Intention To Create Rural Improvement District 2001-5 To Include The Lots In The Ehlers Second Subdivision. Robert Rasmussen reported that the estimated annual improvements are \$75.10 per lot for a 10-year period. The annual assessment for maintenance is \$105 per lot per year. Staff recommended approval. Commissioner Murray moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Consideration of A Resolution Of Intention To Create Rural Improvement District 2001-6 To Include The Lots In The Vandenberg And Vandenberg Village East Subdivisions. Robert Rasmussen reported that the church is included in this proposal. The annual assessment for improvements is \$103 per lot per year for a 10-year period. The annual assessment for maintenance is \$47 per lot per year. Staff recommended approval. Commissioner Varone moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Contract and Encroachment Agreement. Robert Rasmussen reported because portions of the network are already installed it is not feasible to add more conduit. Mr. Rasmussen recommended that staff work with the existing draft encroachment agreement. Commissioner Varone moved that the Commission approve the agreement and authorized the Chair to sign. Chair seconded the

motion. Commissioner Murray opposed the motion based on the near-sighted policies of the City Engineer. The motion carried 2-1.

InterCap Loan Closing Documents. Nancy Everson presented the closing documents for the TSEP bridge project in the amount of \$500,000. The county is requesting a draw of approximately \$443,000. The remainder will be drawn down when the Lincoln bridge project is completed. Commissioner Varone moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Consolidated Planning Board Appointment. (cont. from 3/15/01). Commissioner Varone moved that the Commission appoint Rick Kenison to fill an unexpired term to September 1, 2001 on the Consolidated Planning Board. The Chair seconded the motion and it carried unanimously.

Hearing no other business, the meeting adjourned at 11:32 a.m.